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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/674,469      | 02/26/2001  | Andrew John Cardno   | 6813                | 1243             |

25763 7590 09/29/2004

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EXAMINER

OUELLETTE, JONATHAN P

ART UNIT PAPER NUMBER

3629

DATE MAILED: 09/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action**

Application No.

09/674,469

Applicant(s)

CARDNO ET AL. *16-*

Examiner

Jonathan Ouellette

Art Unit

3629

-The MAILING DATE of this communication appears on the cover sheet with the correspondence address -

THE REPLY FILED 10 August 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**PERIOD FOR REPLY [check either a) or b)]**

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
  - (b) ☐ they raise the issue of new matter (see Note below);
  - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
  - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_

3. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.
4. ☐ Newly proposed or amended claim(s): \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: \_\_\_\_\_

Claim(s) objected to: \_\_\_\_\_

Claim(s) rejected: 47,48,50-64,66-80,82-91 and 93-105.

Claim(s) withdrawn from consideration: \_\_\_\_\_

  
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8. ☐ The drawing correction filed on \_\_\_\_\_ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_.
10. ☐ Other: \_\_\_\_\_

Continuation of 5. does NOT place the application in condition for allowance because: The Applicant has requested that each web page for the cited prior art of ESRI be treated as a separate document. However the examiner feels that a separation of pages will be confusing; because, the pages are meant to serve as an example of material located on the website at a given point in time. Furthermore, the entire set of data contained in the website prior to the priority date of the invention is considered relevant as prior art. The applicant has also stated that the document titled "See Your Business From a New perspective," (pgs.6-9) does not contain a verified publication date; however, at the end of the document (pg.9) is a copyright date of 1997. Finally, the applicant states that the prior art of ESRI fails to disclose a contour generator arranged to generate or display one or more contour lines representing the surface in which each data point is displayed as a local maximum; a contour generator arranged to generate and display a contoured representation, such that each data point is displayed as a local maximum, a contour generator that displays one or more contour lines at least partially around each data point, each contour line representing data values that are less than the data value of the data point around which the contour line is displayed. However, ESRI discloses several ways to graphically represent business data (data visualization) - to include contour lines (bottom picture, pg.6), in which each point is displayed a local maximum, used in analysis of demographic information, site selection, and/or marketing (pg.12-15). The Examiner originally presented pages from the website which explained the GIS system and several industrial uses of such technology. Unfortunately, not all of the exhibits graphically displaying the system were available through the internet archive. However, if necessary the Examiner can provide graphical exhibits for the same system available at later archived pages. The Examiner suggested that the applicant review the archived pages for [www.esri.com](http://www.esri.com) in entirety (available at [www.archive.org](http://www.archive.org)), before replying to the office action.